

Serial No. 10/574,800

Attorney Docket No. 24-033-TN

REMARKS

Claims 1, 4-7 and 28-31 are pending. Claims 2, 3, and 8-27 have been canceled. Claims 28-31 are new. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claim 7 was rejected under 35 USC 112, second paragraph, as being indefinite. Claim 7 has been amended to recite that the foam cells include open cells. This is supported by at least page 7, line 5, of the English-language specification. As a result, the penetrating passages can be formed in the foam cells, claim 7 is considered to be fully definite, and this rejection should be withdrawn.

Claims 1-6 were rejected under 35 USC 102(b) as being anticipated by US 4121005 to Roberts. The applicants respectfully request that this rejection be withdrawn for the following reasons.

Claim 1 has been amended to recite that there are no gas-passing channels in the surface of the substrate, and the gas-passing channels are recesses that continue as far as side edges of the substrate. These features are not disclosed or suggested in Roberts. Therefore, claims 1-6 cannot be anticipated by the Roberts patent, and this rejection should be withdrawn.

Contrary to claim 1, Roberts discloses gas-passing channels in the surface of the substrate. Therefore, the appearance of the substrate is not smooth and is covered with openings.

Further, Roberts fails to disclose or suggest recesses that continue as far as side edges of the substrate. Thus, the material of Roberts cannot permit gas to escape to a side edge of the

Serial No. 10/574,800

Attorney Docket No. 24-033-TN

substrate, which is necessary if there are no gas-passing channels in the surface of the substrate. Thus, the Roberts patent fails to disclose the elements of claims 1-6, and this rejection should be withdrawn.

Claims 1-6 were rejected under 35 USC 102(b) as being anticipated by or under 35 USC 103(a) as being unpatentable over US 5810756 to Montecalve *et al.* (hereafter, Montecalve). The applicants respectfully request that this rejection be withdrawn for the following reasons.

As mentioned above, claim 1 has been amended to recite that there are no gas-passing channels in the surface of the substrate, and the gas-passing channels are recesses that continue as far as side edges of the substrate. These features are not disclosed or suggested in Montecalve. Therefore, claims 1-6 cannot be anticipated by Montecalve, and this rejection should be withdrawn.

Montecalve discloses a perforated medical tape. Contrary to the requirements of claim 1, Montecalve discloses gas-passing channels in the surface of the substrate. Therefore, the appearance of the substrate is not smooth and is covered with openings. There is no need for the outer surface of the substrate in Montecalve to be aesthetically pleasing, because it is a medical product, and the function is of utmost importance.

Further, Montecalve fails to disclose or suggest recesses that continue as far as side edges of the substrate, as required by claim 1. Thus, the material of Montecalve cannot permit gas to escape to a side edge of the substrate. Thus, Montecalve fails to anticipate claims 1-6.

The claimed sheet is not rendered obvious by Montecalve, because the claimed sheet provides an aesthetically pleasing, smooth surface, which is not available in Montecalve. In other

Serial No. 10/574,800

Attorney Docket No. 24-033-TN

words, Montcalve lacks the advantages of the claimed invention and is not solving the same problem.

Claims 1-7 were rejected under 35 USC 102(b) as being anticipated by or under 35 USC 103(a) as being unpatentable over US 4427737 to Cilento *et al.* (hereafter, Cilento). The applicants respectfully request that this rejection be withdrawn for the following reasons.

As mentioned above, claim 1 has been amended to recite that there are no gas-passing channels in the surface of the substrate, and the gas-passing channels are recesses that continue as far as side edges of the substrate. These features are not disclosed or suggested in Cilento. Therefore, claims 1-7 cannot be anticipated by Cilento, and this rejection should be withdrawn.

Cilento discloses a porous medical tape. Contrary to claim 1, Cilento discloses gas-passing channels in the surface of the substrate. Therefore, the appearance of the substrate is not smooth and is covered with openings. There is no need for the outer surface of the substrate in Cilento to be aesthetically pleasing, because, like Montcalve, the material of Cilento is a medical product, the function is of utmost importance, and there is no disclosure or suggestion that appearance is important.

Further, Cilento fails to disclose or suggest recesses that continue as far as side edges of the substrate, as required by claim 1. Thus, the material of Cilento cannot permit gas to escape laterally through a side edge of the substrate, which is necessary if there are no gas-passing channels in the surface of the substrate. Thus, Cilento fails to anticipate claims 1-7.

Serial No. 10/574,800

Attorney Docket No. 24-033-TN

The claimed sheet is not rendered obvious by Cilento, because the claimed sheet provides an aesthetically pleasing, smooth surface, which is not available in Cilento. In other words, Cilento lacks the advantages of the claimed invention and is not solving the same problem.

Claims 1-7 were rejected under 35 USC 102(b) as being anticipated by or under 35 USC 103(a) as being unpatentable over JP 02-045582. (Hereafter, JP '582). The applicants respectfully request that this rejection be withdrawn for the following reasons.

As mentioned above, claim 1 now recites that there are no gas-passing channels in the surface of the substrate, and the gas-passing channels are recesses that continue as far as side edges of the substrate. These features are not disclosed or suggested in JP '582. Therefore, claims 1-7 cannot be anticipated by JP '582, and this rejection should be withdrawn.

JP '582 discloses a porous substrate 2. Contrary to claim 1, JP '582 discloses gas-passing channels, or pores 21, in the surface of the substrate 2. Therefore, the appearance of the substrate 2 is not smooth and is covered with openings 21.

Further, JP '582 fails to disclose or suggest recesses that continue as far as side edges of the substrate, as required by claim 1. Thus, the material of JP '582 cannot permit gas to escape to a side edge of the substrate, which is necessary if there are no gas-passing channels in the surface of the substrate. Thus, JP '582 fails to anticipate claims 1-7.

The claimed sheet is not rendered obvious by JP '582, because the claimed sheet provides an aesthetically pleasing, smooth surface, which is not available in JP '582. In other words, JP '582 lacks the advantages of the claimed invention and is not solving the same problem.

Serial No. 10/574,800

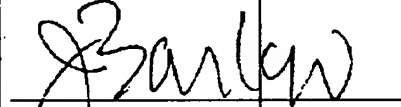
Attorney Docket No. 24-033-TN

Claims 28-31 are new. Claim 28 is supported at least by page 17, lines 9-16. New claim 29 is supported at least by page 18, lines 2-4. New claim 30 is supported at least by page 15, line 26. New claim 31 is supported at least by page 18, lines 15-19. Claims 28-31 depend on claim 1 and are considered to be patentable at least for the reasons given above with respect to claim 1.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions arise, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



James E. Barlow
Reg. No. 32,377

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400